

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Ella Mintz	Team: Squad #12	CCRB Case #: 201809767	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input checked="" type="checkbox"/> O.L.	<input checked="" type="checkbox"/> Injury
Incident Date(s) Thursday, 11/15/2018 6:05 PM	Location of Incident: 44th Precinct stationhouse	Precinct: 44	18 Mo. SOL 5/15/2020	EO SOL 12/30/2020	
Date/Time CV Reported Thu, 11/15/2018 7:45 PM	CV Reported At: IAB	How CV Reported: In-person	Date/Time Received at CCRB Fri, 11/23/2018 11:09 AM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Elvis Cruz	17254	935186	044 PCT
2. SGT Tony Chacko	01880	946848	044 PCT
3. POM Mark Buono	22456	962276	044 PCT
4. POM Eric Droz	13028	952698	SVD Z2
5. POF Crystal Williams	19425	960076	044 PCT
6. POM Angel Henriquez	20438	958689	044 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POF Nichol Camilo	16896	957417	044 PCT

Officer(s)	Allegation	Investigator Recommendation
A.SGT Tony Chacko	Discourtesy: Sergeant Tony Chacko spoke discourteously to § 87(2)(b)	
B.POM Elvis Cruz	Force: Police Officer Elvis Cruz used physical force against § 87(2)(b)	
C.SGT Tony Chacko	Force: Sergeant Tony Chacko used physical force against § 87(2)(b)	
D.POM Mark Buono	Force: Police Officer Mark Buono used physical force against § 87(2)(b)	
E.POM Angel Henriquez	Force: Police Officer Angel Henriquez used physical force against § 87(2)(b)	
F.POM Angel Henriquez	Force: Police Officer Angel Henriquez hit § 87(2)(b) against a door.	
G.POM Eric Droz	Force: Police Officer Eric Droz hit § 87(2)(b) against a door.	
H.POM Eric Droz	Force: Police Officer Eric Droz hit § 87(2)(b) against a bench.	
I.POM Eric Droz	Force: Police Officer Eric Droz used physical force against § 87(2)(b)	
J.SGT Tony Chacko	Off. Language: Sergeant Tony Chacko made remarks to § 87(2)(b) based upon sexual orientation.	
K.SGT Tony Chacko	Force: Sergeant Tony Chacko used physical force against § 87(2)(b)	
L.POF Crystal Williams	Discourtesy: Police Officer Crystal Williams spoke discourteously to § 87(2)(b)	

Officer(s)	Allegation	Investigator Recommendation
M.SGT Tony Chacko	Off. Language: Sergeant Tony Chacko made remarks to § 87(2)(b) based upon the gender of § 87(2)(b)	
N.SGT Tony Chacko	Discourtesy: Sergeant Tony Chacko spoke discourteously to § 87(2)(b)	
O.SGT Tony Chacko	Abuse: Sergeant Tony Chacko failed to secure medical treatment for § 87(2)(b)	

### Case Summary

On November 15, 2018, Sergeant Tony Chacko, of the 44<sup>th</sup> Precinct, called IAB and filed this complaint on behalf of § 87(2)(b). The case was received by the CCRB on November 23, 2018 under log #18-45408.

On November 15, 2018 at approximately 6:05PM, Police Officers Elvis Cruz and Nichol Camilo arrived to the 44<sup>th</sup> Precinct stationhouse in the Bronx with § 87(2)(b) who they had arrested for violating an order of protection. Sgt. Chacko spoke discourteously to § 87(2)(b) (**Allegation A-Discourtesy:** § 87(2)(g)). Sgt. Chacko, PO Cruz, Police Officers Mark Buono and Angel Henriquez, also of the 44<sup>th</sup> Precinct, pushed § 87(2)(b) to the ground (**Allegations B, C, D, E - Force:** § 87(2)(g)). PO Henriquez and Police Officer Eric Droz hit § 87(2)(b) against a door (**Allegations F and G – Force:** § 87(2)(g)). PO Droz hit § 87(2)(b) against the bench in the holding cell and stepped on his ankle (**Allegation H-Force:** § 87(2)(g)). **Allegation I-Force:** § 87(2)(g)). Sgt. Chacko called § 87(2)(b) a “faggot” and punched him in the face (**Allegation J-Offensive Language:** § 87(2)(g), **Allegation K- Force:** § 87(2)(g)). Police Officer Crystal Williams, of the 44<sup>th</sup> Precinct, told § 87(2)(b) to “stop acting like a fucking idiot” (**Allegation L-Discourtesy:** § 87(2)(g)). Sgt. Chacko told § 87(2)(b) “Ain’t no ambulance coming, pussy” and “Fuck your mother. That’s none of our business. Shut the fuck up.” (**Allegation M- Offensive Language:** § 87(2)(g), **Allegation N- Discourtesy:** § 87(2)(g)). Sgt. Chacko failed to obtain medical treatment for § 87(2)(b) (**Allegation O- Abuse of Authority:** § 87(2)(g)).

The investigation obtained video footage from PO Cruz, PO Camilo, PO Buono (Board Reviews 01, 02, 03, 04, 05, 06. Summaries of this footage are located in Board Review 07, 08, 09. The investigation also received video footage from the 44<sup>th</sup> Precinct stationhouse, which is located on Board Review 10; a summary of the video can be located in Board Review 11.

### Findings and Recommendations

**Allegation A-Discourtesy: Sergeant Tony Chacko spoke discourteously to § 87(2)(b)**

On November 15, 2018, § 87(2)(b) was arrested by Officer Cruz and Officer Camilo for violating an order of protection. At approximately 6:05 p.m., the officers brought him to the 44<sup>th</sup> Precinct stationhouse for arrest processing. In his testimony to the CCRB, § 87(2)(b) did not allege that Sgt. Chacko used any profanity toward him during this portion of the incident.

At the 18:05:21 internal timestamp in PO Camilo’s BWC footage, § 87(2)(b) tells Sgt. Chacko that he did not violate the order of protection (Board Review 03, summary located in Board Review 09). Sgt. Chacko tells § 87(2)(b) that he needs to take this issue up with the judge. § 87(2)(b) continues to argue. At 18:06:33 in the recording, Sgt. Chacko tells § 87(2)(b) “You fucked up, bro. Eat it.” At 18:06:53, Sgt. Chacko tells § 87(2)(b) “You fucked up. It is what it is.” § 87(2)(b) then has a brief physical interaction in which § 87(2)(b) goes to the ground and is placed in leg shackles (as discussed in Allegations B – E below). At 18:09:32, § 87(2)(b) yells that he has a job interview. Sgt. Chacko responds, “Well guess what? Now you don’t have a fucking job interview cause now I’m gonna add more shit to it so calm the fuck down.”

During his CCRB interview, Sgt. Chacko initially denied making the discourteous remarks to § 87(2)(b) but when played the BWC footage, Sgt. Chacko acknowledged making the statements. Sgt.

Chacko stated that when he told § 87(2)(b) that he “fucked up”, he was not calling § 87(2)(b) “a fucked up” person but was saying that he messed up in regards to violating the order of protection. Sgt. Chacko stated that he told § 87(2)(b) “Now you don’t have a fucking job interview cause now I’m gonna add more shit to it so calm the fuck down” in order to calm § 87(2)(b) down. At the point when Sgt. Chacko made the remark, § 87(2)(b) could have been charged with resisting arrest because he was “making everyone else’s jobs more difficult” by refusing to go to the cell. Sgt. Chacko ultimately did not add a resisting charge.

Patrol Guide Procedure 203-10 states that officers must be courteous and respectful in their interactions with the public (Board Review 15).

While § 87(2)(b) did not allege that Sgt. Chacko used any profanity toward him at this time, PO Camilo’s BWC captures Sgt. Chacko telling § 87(2)(b) “You fucked up, bro. Eat it,” “You fucked up”, and “Well guess what? Now you don’t have a fucking job interview cause now I’m gonna add more shit to it so calm the fuck down.” § 87(2)(g)

§ 87(2)(b)

§ 87(2)(b)

**Allegation B- Force: Police Officer Elvis Cruz used physical force against § 87(2)(b)**

**Allegation C- Force: Sergeant Tony Chacko used physical force against § 87(2)(b)**

**Allegation D- Force: Police Officer Mark Buono used physical force against § 87(2)(b)**

**Allegation E-Force: Police Officer Angel Henriquez used physical force against § 87(2)(b)**

§ 87(2)(b)

§ 87(2)(b) provided testimony to the CCRB that when he was brought to the front desk of the 44<sup>th</sup> Precinct, he told Sgt. Chacko that he needed to speak with a lawyer (Board Review 12). Sgt. Chacko responded that this would not be possible. § 87(2)(b) then asked if he could go to the hospital. § 87(2)(b) told the CCRB that he was “just being an asshole” because the officers would not let him speak to a lawyer. Sgt. Chacko replied, “We ain’t doing no hospitals today,” and told the officers, “Take him to the back.” PO Cruz, Sgt. Chacko, and two to three other uniformed officers he could not describe pushed § 87(2)(b) so that his chest was on the floor. § 87(2)(b) could not describe how he was pushed to the floor as it happened very quickly. § 87(2)(b) denied that he physically resisted the officers at any point, and stated that he did not have any physical interactions with them prior to being pushed on the floor. The officers hit him multiple times but he could not explain who was hitting him, how they were hitting him, or where on his body he was hit.

At 18:07:50 timestamp in PO Camilo’s BWC, officers are depicted telling § 87(2)(b) to relax. § 87(2)(b) responds that he “is not relaxing” and adds: “I’m not doing it. I’m not doing it.” § 87(2)(b) tells the officers to “fuck me up.” PO Henriquez and PO Cruz hold § 87(2)(b) by his upper biceps as they walk him by the front desk. Sgt. Chacko is still standing behind the desk. At 18:09:09, § 87(2)(b) appears to go limp and fall down to the ground; § 87(2)(b)’s feet are not visible at the time. PO Buono, PO Droz, and other officers come and lift § 87(2)(b) off the ground and put leg shackles on him. § 87(2)(b) tells the officers to break his arms and legs. The footage does not show § 87(2)(b) say anything regarding wanting to go to a hospital. The footage also does not show any officers push § 87(2)(b) to the ground or hit him while he is on the ground.

Both Sgt. Chacko and PO Cruz stated that when § 87(2)(b) was at the desk, § 87(2)(b) went limp, causing him to fall to the ground (Board Review 13, 14). Sgt. Chacko and PO Cruz denied that officers pushed § 87(2)(b) to the ground or that any officer hit § 87(2)(b) while he was on the ground.

§ 87(2)(g)

§ 87(2)(b) The BWC footage shows that Sgt. Chacko was still standing by the desk at this time § 87(2)(b) went to the ground and does not make any physical contact with § 87(2)(b) § 87(2)(b), § 87(2)(g)

While PO Henriquez and PO Cruz were making physical contact with § 87(2)(b) at the time when he came to the ground, the BWC footage, combined with § 87(2)(b)'s repeated requests for the officers to “fuck him up” § 87(2)(g)

§ 87(2)(g) The BWC footage does not show any officers hitting § 87(2)(b) § 87(2)(g)

**Allegation F-Force: Police Officer Angel Henriquez hit § 87(2)(b) against a door.**

**Allegation G-Force: Police Officer Eric Droz hit § 87(2)(b) against a door.**

§ 87(2)(b) stated that after the officers shackled his legs, they picked him up by his arms and legs so that he was completely off the ground. § 87(2)(b) was laying down horizontally as officers carried him toward the rear of the stationhouse. While the officers were taking § 87(2)(b) into the cells, they used his head as a “battering ram” and he hit the left side of his head against the door of the cell.

At 18:08:55 in PO Cruz’s BWC footage, PO Cruz follows two officers – identified by the investigation as PO Henriquez and PO Droz – as they carry § 87(2)(b) to the holding cell. PO Henriquez is holding § 87(2)(b) by his arms while PO Droz is holding his legs. § 87(2)(b) is completely off the ground. As they are holding § 87(2)(b) tells the officers, “Beat the shit out of me.” § 87(2)(b)'s head makes contact the wall of the hallway and his head maintains its contact with the wall and the door for approximately three seconds as the officers continue to carry § 87(2)(b). One of the officers, either PO Droz or PO Henriquez, tells § 87(2)(b) “Watch your head.” Then PO Cruz says, “Watch your head. Watch your head. What are you hurting yourself for?”

PO Droz initially stated that he was holding § 87(2)(b) by his arms but after watching the BWC footage, he stated he was holding him by his legs (Board Review 16). PO Droz did not recall § 87(2)(b)'s head ever hitting a door and PO Droz never rammed § 87(2)(b)'s head against the door.

PO Henriquez did not recall this incident (Board Review 17) but denied purposely hit § 87(2)(b)'s head against the wall.

PO Cruz testified that while being carried to the cells, § 87(2)(b) purposely banged his head against the doors. PO Cruz told § 87(2)(b) to stop this and to stop hurting himself. PO Cruz and

the other officers did not purposely hit § 87(2)(b)'s head against the door; § 87(2)(b) did this himself.

While it is undisputed that § 87(2)(b)'s head made contact with a wall and door as the officers carried him to the cell area, it is unclear if this was a result of force, neglect on the officers' behalf of keeping § 87(2)(b)'s head secure, or § 87(2)(b)'s own doing. § 87(2)(g)

§ 87(2)(b)

§ 87(2)(b)

**Allegation H- Force: Police Officer Eric Droz hit § 87(2)(b) against a bench.**

§ 87(2)(b) alleged that officers placed him on the floor of the cell and came into the cell with him.

At the 18:09:13 timestamp in PO Cruz's BWC footage, PO Henriquez walks backward into an empty cell while carrying § 87(2)(b)'s arms while PO Droz follows. PO Henriquez appears to place § 87(2)(b)'s upper body on the floor while PO Droz places § 87(2)(b)'s ankles on the bench. § 87(2)(b)'s ankles make contact with the bench and then come down to the floor.

In his CCRB interview, PO Droz stated that he attempted to place § 87(2)(b) on the bench but because § 87(2)(b) was flailing his body, § 87(2)(b) fell from the bench to the floor. PO Droz did not recall if he spent any more time in the cell after § 87(2)(b) fell on the floor.

PO Henriquez did not recall this incident. After watching the video, PO Henriquez stated that he did not know what his intent was in placing § 87(2)(b) inside the cells and did not recall where he wanted to place him. PO Henriquez stated that he did not purposely cause § 87(2)(b)'s feet to hit the bench because PO Henriquez was not carrying § 87(2)(b)'s legs but was carrying his arms.

PO Cruz stated that when the officers took § 87(2)(b) into the cell, they placed him on the bench.

§ 87(2)(g)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

**Allegation I- Force: Police Officer Eric Droz used physical force against § 87(2)(b)**

§ 87(2)(b) alleged that after he was placed into a holding call, an officer that he could not describe stepped on his right ankle, causing him pain.

According to § 87(2)(b)'s medical records § 87(2)(b), where he was taken to on § 87(2)(b), § 87(2)(b) stated that he felt pain to his right ankle after being assaulted by officers at the 44<sup>th</sup> Precinct. § 87(2)(b) was prescribed ibuprofen for his pain.

PO Cruz's BWC footage starting at the 18:09:13 timestamp depicts § 87(2)(b) being placed inside the cell, as discussed above. After PO Cruz tells § 87(2)(b) to "stop fighting," § 87(2)(b) tells the

officers that he needs an ambulance. PO Henriquez leaves the cell but PO Droz stays in the cell so just he and § 87(2)(b) are inside. PO Droz is standing by § 87(2)(b) but PO Droz's feet are not visible. § 87(2)(b) yells, "Break it, nigga, break it... Give me an ambulance! This nigga stepped on my ankle. Fuck you." At the 18:09:23 mark, PO Cruz puts his hands around PO Droz and escorts him out of the cell.

The stationhouse cameras do not capture PO Droz's feet or PO Droz stepping on § 87(2)(b)'s ankle.

In his CCRB statement, PO Droz stated that did not recall stepping on § 87(2)(b)'s ankle while inside the cell. PO Droz did not recall § 87(2)(b) ever complaining that PO Droz had stepped on his ankle. PO Droz did not recall if PO Cruz ever pulled him out of the cell. In the interview, PO Droz was presented with the aforementioned BWC footage, PO Droz stated that he did not recall what he was doing in his feet and stated that he did not recall stepping on § 87(2)(b)'s foot. PO Droz did not know what § 87(2)(b) was referring to when § 87(2)(b) complained about having his ankle stepped on. The undersigned asked PO Droz if, based on the video, there was any reason that he would have stepped on § 87(2)(b)'s foot. PO Droz said, "yes." PO Droz stated that he would have stepped on § 87(2)(b)'s foot in order to prevent him from kicking because he and § 87(2)(b) were in a confined space. PO Droz stated that he would have used the "minimal force necessary" to prevent § 87(2)(b) from kicking. PO Droz acknowledged that § 87(2)(b) was not kicking his feet at the moment he was placed in the cell but stated that earlier, when the officers picked him up, he was flailing his body.

PO Cruz denied that any officer stepped on § 87(2)(b)'s foot while he was inside the cell. § 87(2)(b) never complained that an officer stepped on his ankle. PO Cruz did not recall pulling any officer away from the cell to prevent any further interaction between him and § 87(2)(b). The BWC footage was played for PO Cruz. The undersigned noted that it appeared that PO Cruz was trying to get an officer, later identified by the investigation as PO Droz, out of the cell. PO Cruz confirmed that he was trying to get PO Droz out of the cell because he did not want to crowd § 87(2)(b) as it would only agitate him.

According to Patrol Guide Procedure 221-01, officers may use reasonable force to ensure the safety of a member of service or a third person, or when it is reasonable to place a person in custody (Board Review 18). Officers may only use the reasonable force necessary to gain control or custody of the subject. In determining whether force is reasonable, officers should consider the nature and severity of the crime/circumstances and actions taken by the subject.

§ 87(2)(b), § 87(2)(g)  
§ 87(2)(b)  
§ 87(2)(b)  
§ 87(2)(b)  
§ 87(2)(b)  
§ 87(2)(b)  
§ 87(2)(b)  
§ 87(2)(b)

§ 87(2)(g)

**Allegation J-Offensive Language: Sergeant Tony Chacko made a remark to § 87(2)(b) based upon the perceived sexual orientation of § 87(2)(b)**

§ 87(2)(b) stated that after he was placed in the cells, he called the officers “faggots” and told them that he felt that they were retaliating against him for going to the hospital the day before. § 87(2)(b) reiterated his desire to go to the hospital. Sgt. Chacko told § 87(2)(b) that he needed to get his fingerprints taken. § 87(2)(b) said that he was going to refuse to do so. § 87(2)(b) called the sergeant a faggot. Sgt. Chacko responded by calling § 87(2)(b) a faggot.

PO Cruz’s BWC footage taken at the time of when these allegations occurred, does not capture § 87(2)(b) calling any officer a faggot and does not capture Sgt. Chacko calling § 87(2)(b) a faggot or using offensive language toward § 87(2)(b).

§ 87(2)(b), § 87(2)(g)

**Allegation K-Force: Sergeant Tony Chacko used physical force against § 87(2)(b)**

§ 87(2)(b) alleged that after Sgt. Chacko called him a “faggot,” he called Sgt. Chacko the same slur. In response, Sgt. Chacko punched § 87(2)(b) in the mouth, causing him to have a broken front tooth. After § 87(2)(b) was punched in the face, officers then left § 87(2)(b) in the cell.

§ 87(2)(b)’s medical records § 87(2)(b) note that his front tooth is loosened. § 87(2)(b) was referred to see a dentist (Privileged Documents).

During his CCRB interview on December 10, 2018, the undersigned took photos of § 87(2)(b)’s loosened front tooth (Board Review 19, 20). The photos show that § 87(2)(b)’s right front tooth is loosened from his socket and is slightly crooked.

A screenshot taken at 17:52:31 in PO Cruz’s BWC footage – which is prior to this alleged interaction – § 87(2)(b)’s front teeth are visible and appear to be in the same manner as they did in the photo taken of § 87(2)(b) at the CCRB (Board Review 21).

PO Cruz’s BWC footage does not capture Sgt. Chacko punch § 87(2)(b) in the face.

At the 6:10:55PM timestamp in the stationhouse footage, Sgt. Chacko enters the cell where § 87(2)(b) and PO Cruz are standing. The officers search § 87(2)(b) and place him against the wall to do so.

The TRI report prepared by Sgt. Chacko notes that the injury sustained by § 87(2)(b) was self-inflicted in that he banged his head against the partition in the RMP and banged his head on the cell bars (Board Review 22).

At the 17:52:57 mark in PO Cruz’s BWC footage, § 87(2)(b) who is in the backseat of the RMP, expresses displeasure about the fact that he was arrested. § 87(2)(b) bangs his head against the



partition and the window of the car. At 17:53:49, § 87(2)(b) bangs his head thrice against the partition. Both PO Cruz and PO Camilo tell § 87(2)(b) to stop.

In his CCRB interview, Sgt. Chacko stated that § 87(2)(b) alleged that the officers used force to cause his tooth to loosen but he did not specify what force the officers allegedly used that caused this injury.

In his CCRB interview, PO Cruz stated that he never observed any physical force that would have caused § 87(2)(b)'s teeth to loosen and that § 87(2)(b) never complained about such an injury. PO Cruz was shown the aforementioned photos, taken of the CCRB, of § 87(2)(b)'s loosened front teeth; PO Cruz stated that § 87(2)(b)'s teeth looked like that when they first approached him.

While it is undisputed that § 87(2)(b) had a loose front tooth § 87(2)(b)  
§ 87(2)(b), § 87(2)(g)  
§ 87(2)(b)  
§ 87(2)(b)

**Allegation L-Police Officer Crystal Williams spoke discourteously toward § 87(2)(b)**  
§ 87(2)(b) did not allege that PO Williams spoke discourteously toward him.

At 18:13:03 in PO Cruz's BWC footage, a female officer, identified by the investigation as PO Williams, puts on gloves and states that she is going to take § 87(2)(b)'s earrings off. § 87(2)(b) repeatedly says, "Don't touch me." Officers tell § 87(2)(b) to be still. § 87(2)(b) states that he cannot breathe. PO Williams tells § 87(2)(b) to "be still." § 87(2)(b) screams and PO Williams tells § 87(2)(b) "You're acting like a fucking idiot." PO Cruz then holds § 87(2)(b)'s head still as PO Williams removes his earrings.

In her CCRB interview, PO Williams acknowledged telling § 87(2)(b) that he was "acting like a fucking idiot" (Board Review 23). When asked why she made the remark, PO Williams stated, "I can't explain why. It was just in the moment. I have no reason."

Patrol Guide Procedure 203-10 states that officers must be courteous and respectful in their interactions with the public (Board Review 15).

PO Williams acknowledged telling § 87(2)(b) that he was "acting like a fucking idiot." § 87(2)(b)  
§ 87(2)(b)

**Allegation M-Offensive Language: Sergeant Tony Chacko made a remark to § 87(2)(b) based upon the gender of § 87(2)(b)**

**Allegation N- Discourtesy: Sergeant Tony Chacko spoke discourteously to § 87(2)(b)**  
§ 87(2)(b) stated that after he was placed in the cell, officers continually came by to try and persuade § 87(2)(b) to have his fingerprints taken. Each time, § 87(2)(b) refused to do so and stated that he wanted an ambulance. PO Cruz and Sgt. Chacko came to the cell area and Sgt. Chacko told him, "Ain't no ambulance coming, pussy." § 87(2)(b) told PO Cruz that he was going through

a lot and that his mother just died. Sgt. Chacko said, “Fuck your mother. That’s none of our business. Shut the fuck up.”

At 18:56:26 in PO Cruz’s BWC recording, PO Cruz is present for a conversation between Sgt. Chacko and § 87(2)(b) in the cell area (Board Review 06, summary located in Board Review 09). § 87(2)(b) alleges that officers caused his tooth to loosen. § 87(2)(b) states that he wants an ambulance to come. § 87(2)(b) never says anything about his mother. Sgt. Chacko attempts to convince § 87(2)(b) to get his fingerprints taken. Sgt. Chacko does not say, “Ain’t no ambulance coming, pussy” or “Fuck your mother. Shut the fuck up.”

§ 87(2)(b), § 87(2)(g)

**Allegation O- Abuse of Authority: Sergeant Tony Chacko failed to secure medical treatment for § 87(2)(b)**

§ 87(2)(b) stated that he asked for an ambulance after Sgt. Chacko punched him in the face and that when officers came into the area to ask if he was ready to have his fingerprints taken, he asked them all to get an ambulance for him. § 87(2)(b) told the officers that he wanted an ambulance because of his tooth and because he was feeling anxiety and wanted a psychiatric check-up. After being in the cell for multiple hours, § 87(2)(b) urinated himself and passed out. § 87(2)(b) does not recall being transported to the hospital as he was unconscious at the time. § 87(2)(b) was transported to § 87(2)(b). § 87(2)(b) believes he was not taken to the hospital until approximately 4:00AM because when § 87(2)(b) arrived at the hospital, he was given a shot which caused him to wake up. Once, he looked at the clock, he saw that it was 4:25AM.

The Ambulance Call Report prepared in regards to § 87(2)(b) notes that the call was received at 1:17AM, that the ambulance was dispatched at 1:39AM, that they arrived to the scene at 1:49AM, and that they left the scene at 2:13AM.

Sgt. Chacko stated that § 87(2)(b) first noted that he wanted to go to the hospital when he went into the cells at approximately 6:30PM. Sgt. Chacko instructed an officer to call for EMS. Sgt. Chacko was asked why, if § 87(2)(b) had requested medical attention at 6:30PM, was he not taken to the hospital for hours. Sgt. Chacko responded that he believed that there was a backlog on that day and that his officers made multiple requests for an ambulance. Sgt. Chacko believed that an ambulance was called for every 30 minutes. Sgt. Chacko mentioned this to IAB as well. Sgt. Chacko stated that because § 87(2)(b) was hitting himself against the cell doors, they did not want to transport him to the hospital in a regular patrol vehicle because of the possibility that he might further self-harm himself.

PO Cruz stated that he called for an ambulance multiple times on that night. Central informed PO Cruz that there was a backlog of ambulance requests. In his memo book, PO Cruz documented these calls each time in his memo book. According to his memo book, PO Cruz called for an ambulance at 6:27PM, 6:42PM, 7:03PM, and 11:45PM.

According to Event information, 911 received calls requesting that an ambulance respond to the 44<sup>th</sup> Precinct stationhouse at 6:49PM, 8:23PM, 9:45PM, 9:59PM, 10:02PM on November 15, 2018 and at 12:13AM, 1:16AM, and 1:35AM on November 16, 2018 (Board Review 24).

Patrol Guide Procedure 210-04 states that desk officers are required to request an ambulance and have a prisoner removed to a hospital if medical/psychiatric treatment is required during arrest processing (Board Review 25).

According to Event information, an ambulance was called to the stationhouse approximately 20 minutes after § 87(2)(b) first requested medical attention. § 87(2)(g)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

#### **Civilian and Officer CCRB Histories**

- This is the first complaint in which § 87(2)(b) has been a party.
- Sgt. Tony Chacko has been a member of service for eleven years and has been a subject in two closed CCRB complaints and two allegations, of which one has been substantiated.
  - 200909310 involved a substantiated allegation of a stop against Sgt. Chacko; the Board recommended Charges, and the NYPD imposed Instructions.
  - § 87(2)(g)
- PO Elvis Cruz has been a member of service for 15 years and has been a subject in three CCRB complaints and seven allegations, none of which were substantiated. § 87(2)(g)
- PO Mark Buono has been a member of service for three years and has been a subject in one CCRB complaint and four allegations, none of which were substantiated. § 87(2)(g)
- PO Angel Henriquez has been a member of service for four years and has been a subject in two CCRB complaints and two allegations, none of which were substantiated. § 87(2)(g)
- PO Eric Droz has been a member of service for seven years and this is the first CCRB complaint in which he is a subject.
- PO Crystal Williams has been a member of service for four years and has been a subject in two CCRB complaints and two allegations, none of which were substantiated. § 87(2)(g)

#### **Mediation, Criminal, and Civil Histories**

- This case was not suitable for mediation.
- § 87(2)(b) filed a Notice of Claim with the City of New York claiming physical force causing a loosened front tooth, pain in his left wrist, and neglect and seeking \$250,000 as redress (Board Review 26). On October 17, 2019, Britannia Stewart, of the Comptroller's Office, informed the undersigned that a 50-H hearing has yet to be scheduled regarding this Notice of Claim.

- According to the Office of Court Administration (OCA) § 87(2)(b) [REDACTED]  
[REDACTED]  
[REDACTED]

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Squad No.: \_\_\_\_\_

Investigator: \_\_\_\_\_  
Signature Print Title & Name Date

Squad Leader: \_\_\_\_\_  
Signature Print Title & Name Date

Reviewer: \_\_\_\_\_  
Signature Print Title & Name Date